

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF Marius Powell	COURT CASE NUMBER 08C1270
DEFENDANT Lt. McNamara	TYPE OF PROCESS S/C
SERVE NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN AT Officer McHugh, Officer in Sheriff's Police, Cook County Jail ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) Cook County Jail, Legal Dept. 2700 S. California Ave., 2nd. Flr. Div.5, CHICAGO, IL	

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Marius Powell, #2007-0075987
Cook County Jail
P.O. Box 089002
Chicago, IL 60608

Number of process to be served with this Form - 285	1
Number of parties to be served in this case	3
Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN **FILED** SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

Fold

AUG 01 2008 YM
Aug 1, 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Signature of Attorney or other Originator requesting service on behalf of:

☒ PLAINTIFF☐ DEFENDANT

TELEPHONE NUMBER

DATE

04-29-08**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process 3 of 3	District of Origin No. 24	District to Serve No. 24	Signature of Authorized USMS Deputy or Clerk TD	Date 04-29-08
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☒ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

NOT SERVED

Date of Service

7/21/08Time **1200 PM**

Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges (including endorsements)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
One Service Charge Same case + location See phone sheet						

REMARKS:

1 DUSM 1 hour 14 miles.**Multiple officer "McHugh" - need more info.****2 for Charge**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

(DISTRICT)

Waiver of Service of Summons

TO: Marius Powell

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Officer McHugh

(DEFENDANT NAME)

acknowledge receipt of your request that I waive

service of summons in the action of **Marius Powell vs. Lt. McNamara**

(CAPTION OF ACTION)

which is case number **08C1270**

(DOCKET NUMBER)

in the United States District Court for the

Northern District of Illinois

(DISTRICT)

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after **April 29, 2008**

(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

DATE

SIGNATURE

Printed/Typed Name: _____

As

TITLE

of

CORPORATE DEFENDANT

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown to its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against the defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

United States District Court
Northern District of Illinois

SUMMONS IN A CIVIL ACTION

Marius Powell

Vs.

CASE NUMBER: 08cv1270

JUDGE: Shadur

Officer McHugh

TO: Officer McHugh

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon plaintiff's attorney:

Marius Powell
#2007-0075987
Cook County Jail
P.O. Box 089002
Chicago, IL 60608

an answer to the complaint which is herewith served upon you, within [20] days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Michael W. Dobbins, Clerk

By:

TIANA DAVIS

Tiana Davis, Deputy Clerk

Dated: April 29, 2008

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me: ^	DATE	
NAME OF SERVER (Print)	TITLE	
<i>Check one box below to indicate appropriate method of service:</i>		
<p><input type="checkbox"/> Served personally upon the defendant. Place where served: _____</p> <p>_____</p> <p><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____</p> <p>_____</p> <p><input type="checkbox"/> Returned unexecuted: _____</p> <p><input type="checkbox"/> Other (specify): _____</p> <p>_____</p> <p>_____</p>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
<p>Executed on _____</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p style="text-align: center;">Date</p> </div> <div style="width: 45%;"> <p style="text-align: center;">Signature of Server</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Address of Server</p> </div> </div>		

^As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 1270	DATE	4/28/2008
CASE TITLE	Marius Powell vs. Lt. McNamara		

DOCKET ENTRY TEXT

The Clerk is directed to issue summons and forward them to the United States Marshal for service of process. A status hearing is set for June 9, 2008 at 8:45 a.m. Defendant's counsel is to arrange to make plaintiff available by telephone for the June 9, 2008 status hearing.

Docketing to mail notices.

<p>A TRUE COPY-ATTEST</p> <p>MICHAEL W. DOBBINS, CLERK</p> <p><i>Michael W. Dobbins</i></p> <p>DEPUTY CLERK</p> <p>U. S. DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS</p> <p>APR 29 2008</p> <p>DATE:</p>
--

RECEIVED
UNITED STATES MARSHAL
2008 APR 29 PM 3:30
NORTHERN DIST. OF IL.
ADMINISTRATIVE SECTION

Courtroom Deputy
Initials:

SN

EB

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

MAR 14 2008 *asw*

MAR 14, 2008

MICHAEL W. DORRINE
CLERK, U.S. DISTRICT COURT

MARIUS Powell

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

Case No: 08CV1270
(To be supplied by the Clerk of this Court)

LT. McNamara

SGT. Selemi

DFC. McHugh

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

PAGE ONE OF COMPLAINT from plaintiff
with Judge's Copy and three service copies
pursuant to the 3/5/08 Order

CHECK ONE ONLY:

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

OTHER (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

- A. Name: Marlene Powell
- B. List all aliases: N/A
- C. Prisoner identification number: 20070076284
- D. Place of present confinement: Cook County Jail
- E. Address: P.O. Box: 089002, Chi., Fl., 320608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, and current address according to the above format on a separate sheet of paper.)

MAR 03 2008

RECEIVED

•II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

MAR 3 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

- A. Defendant: LT. McNamara
Title: LT. in Sheriff's Police
Place of Employment: Cook County Jail - Div. 8
- B. Defendant: Sgt. Selemi
Title: Sgt. in Sheriff's Police
Place of Employment: Cook County Jail - Div. 8
- C. Defendant: Officer McHugh
Title: Officer in Sheriff's Police
Place of Employment: Cook County Jail

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

RECEIVED

MAR 3 2008 MB

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

08CV1270
JUDGE SHADUR
MAGISTRATE JUDGE MASON

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: None
- B. Approximate date of filing lawsuit: N/A
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: N/A
- D. List all defendants: N/A
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): N/A
- F. Name of judge to whom case was assigned: N/A
- G. Basic claim made: N/A
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): N/A
- I. Approximate date of disposition: N/A

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

- ① Said Brass and officer knowingly, willingly, willfully, intentionally, and maliciously violated my civil rights.
- ② Said Brass and officer knowingly, willingly, willfully, intentionally, and maliciously violated my rights as specified under the Americans with Disabilities Act
- ③ Said Brass and officer knowingly, willfully, willingly, intentionally, and maliciously put my health at risk.
- ④ Said Brass willingly, knowingly, willfully, intentionally, and maliciously encouraged a period of harassment and retribution.
- ⑤ Said Brass knowingly, willingly, willfully, intentionally, and maliciously ignored medical prescriptions and medical recommendations.
- ⑥ Said Brass ignored repeated attempts to obtain confiscated medical equipment provided per medical prescription.

- ⑧ Forced to sleep sitting up in my wheelchair overnight due to refusal by Brass to accommodate the return of medically necessary and prescribed equipment. The result causing severe pain in my back, the swelling of my lower limbs and an increased level of spasticity throughout my body thereby putting my health and safety at risk.
- ⑨ Allowed by Brass and officers to suffer undue emotional stress and pain.
- ⑩ Told by said officer that Cook County Jail officers do not like to honor prescribed orders of the medical staff because "the officers feel that if the medical staff prescribes it, they should supply it themselves! They're always prescribing unnecessary things anyway!"
- ⑪ This event occurred on Jan 28th 2008 and over a 24 hour period.

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I seek restitution for pain and suffering
in the amount of One Million Dollars and the
proper and timely enforcement of all Medical
prescriptions in a reasonable and effective time
for all detainees.

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 27th day of February, 20 08.

Marius Powell
 (Signature of plaintiff or plaintiffs)

MARIUS POWELL
 (Print name)

20070075987
 (I.D. Number)

P.O. Box: 089002

Chicago, IL

60608
 (Address)